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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,409	12/27/2001	Charles W. Bethards	29505/PF02246NA	1134

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,409	BETHARDS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angelica M. Perez	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waesterlid (Waesterlid, Anders; WO 01/65,807 A2) in view of Taniguchi (Taniguchi, Keiichi; US 2002/0,045,457 A1) and further in view of Hirni (Hirni et al.; US Patent No.: 6,731,609 B1).

Regarding claims 1, 10 and 19, Waesterlid teaches of a communication system, the communication system adapted to provide real-time communication service to a plurality of subscribers (figure 1, page 1, lines 15-20 and page 5, lines 6-8), a method, apparatus (page 5, lines 1-2 and figure 2) and controller operating in accordance with a computer program embodied on a computer-readable medium (page 7, lines 27-32) for providing status information associated with a plurality of users comprising (abstract, and page 5, lines 1-2): providing a plurality of logon identifiers associated with a first subscriber (page 11, lines 17-21; e.g., "administrator" corresponding to a "first subscriber"), each of the plurality of logon identifiers corresponding to one of the plurality of users utilizing the device concurrently (page 17, Appendix A, box 3, "Group Update Message"; where information about the status of "concurrent" members is

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updated. E.g., "member 1", "member 2"... "member n". The Examiner is giving the broadest interpretation to the applicant drawings) so that the plurality of users access real-time communication service via the first subscriber (page 1, lines 15-20; e.g., "chat rooms" providing real-time communication; 5, lines 17-20; where access is allowed through an "administrator" subscriber, "first subscriber"); monitoring status associated with the plurality of logon identifiers to provide status information (figure 9 and page 9, lines 21-29); and transmitting the status information associated with one of the plurality of logon identifiers, logged-on but unavailable to participate in real-time communication (where figure 9 shows status of participants. The applicant's negative statement broadly interpreted by the examiner suggests that member 1, in row 3, shows status "OFF", therefore, the user at that particular instant or very proximate future won't be able to participate in real time communication), to a second subscriber (page 11, lines 24-29), the second subscriber having a contact list including the one of the plurality of logon identifiers (page 17, Appendix A, table 3, columns 6,7,...,n; where the member data contains the logon identifier; see page 15, lines 4-6).

Waesterlid does not specifically teach of the plurality of users utilizing the device.

In related art, concerning a shared-use portable telephone and method of sharing portable telephone, Taniguchi teaches of a plurality of users utilizing the device so that the plurality of users access real-time communication service via the first subscriber (paragraph 2; where telephone calls are made in real time, also, the first subscriber corresponds to the registered owner of the telephone).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Waesterlid's communication system adapted to provide real-time communication service to a plurality of subscribers with Taniguchi's users utilization of the device so that the plurality of users access real-time communication service via the first subscriber in order to share the apparatus, as taught by Taniguchi.

Although the examiner already explained how the broad interpretation of "logged-on but unavailable" can be read by the prior art, the examiner would like to provide additional art that explicitly comprises the limitation "logged-on but unavailable".

In related art concerning a telephony subsystem for conducting multimedia telephonic conferences over a packet-based network, Hirni teaches of transmitting status information associated with one of the plurality of logon identifiers, logged-on but unavailable to participate in real time communication (columns 25, 29 and 30, lines 31-44, 25-67 and 1-7, respectively).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Waesterlid in view of Taniguchi communication system adapted to provide real-time communication service to a plurality of subscribers with Hirni's status information in order to track the agents, as taught by Hirni.

Regarding claims 2, 14 and 20, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. In addition, Waesterlid teaches where the step providing a plurality of logon identifiers associated with a first subscriber comprises providing one of a first name, a last name, a persona, an IP address, and a port number

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corresponding to one of the plurality of users (page 15, lines 4-6; where a first name was selected from the choices provided).

Regarding claims 3, 16 and 21, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. Waesterlid also teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with one of a first name, a last name, a persona, an IP address, and a port number to provide status information (page 15, lines 4-6):

Regarding claims 4, 12 and 22, Waesterlid, Taniguchi and Hirni teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with the plurality of logon identifiers to provide status information based on a registration (page 14, lines 2-5; e.g., "newly added member").

Regarding claims 5, 13 and 23, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with the plurality of logon identifiers to provide status information based on a user input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (page 15, lines 16-18; e.g., tactile and visual being selected from the choices provided).

Regarding claims 6, 15 and 24, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with a plurality of logon identifiers to provide status information comprises monitoring status associated with a plurality of logon identifiers to provide information indicating a nearby status of a user, where the user is not currently participating in real-time communication but may become available to participate in real-time communication (where "on-line", "off-line", "busy", "away", "on-the-phone", "out-to-lunch" might become available for real-time communication; figure 9).

Regarding claims 7, 17 and 25, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with a plurality of logon identifiers from a wireless device to provide status information, and where the wireless device comprises one a cellular telephone, a pager, and an electronic planner (page 5, lines 17-21; where the examiner has chosen cellular telephone, PDA, and pager from the selection provided).

Regarding claims 8 and 26, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1 and 19, respectively. Waesterlid also teaches where the step of transmitting the status information associated with one of the plurality of logon identifiers to a second subscriber comprises transmitting information indicating a nearby status of a user, where the user is not currently participating in real-time communication but may become available to participate in real-time communication (figure 9; where user 1 "off"

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is not participating in real-time communication, but might become available to participate in real-time communication, in the future, if connected ).

Regarding claims 9, 11 and 27, Waesterlid, Taniguchi and Hirni teach all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the communication system is adapted to provide one of instant messaging service and group chat service to the plurality of subscribers (page 1, lines 15-16).

Regarding claim 18, Waesterlid, Taniguchi and Hirni teach all the limitations of claim 10. Waesterlid also teaches where the apparatus is integrated into an Internet Protocol (IP) network, a General Packet Radio Services (GPRS) network, a 2.5G network, and a 3G network (page 16, lines 15 and 16; where the examiner selected IP network).

Regarding claim 28, Waesterlid, Taniguchi and Hirni teach all the limitations of claim 19. Waesterlid also teaches where the medium comprises one of paper, a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media (page 8, lines 1-2).

Regarding claim 30, Waesterlid, Taniguchi and Hirni teach all the limitations of claim 1. Waesterlid further teaches where providing a plurality of logon identifiers associated with the first subscriber further comprises providing a plurality of logon identifiers associated with the first subscriber from a single instance of the real-time communication service (page 1, lines 15-20 and page 5, lines 6-8, page 5, lines 1-2 and figure 2, page 7, lines 27-32, abstract, and page 5, lines 1-2, page 11, lines 17-21; e.g.,



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"administrator" corresponding to a "first subscriber, page 1, lines 15-20; e.g., "chat rooms" providing real-time communication; 5, lines 17-20; where access is allowed through an "administrator" subscriber, "first subscriber").

3. Claim 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waesterlid in view of in view of Taniguchi and Hirni, and further in view of Bormann (Bormann et al.; US Patent 6,157,378 A).

Regarding claim 29, Waesterlid, Taniguchi and Hirni teach all the limitations of claim 1.

Waesterlid, Taniguchi and Hirni do not specifically teach where providing a plurality of logon identifiers associated with a first subscriber, further comprises providing a plurality of logon identifiers, each of the plurality of logon identifiers corresponding to one of a plurality of nominal persons.

In related art, concerning a method and apparatus for providing a graphical user interface for a distributed switch having multiple operators, Bormann teaches where providing a plurality of logon identifiers associated with a first subscriber, further comprises providing a plurality of logon identifiers, each of the plurality of logon identifiers corresponding to one of a plurality of nominal persons (columns 2 and 3, lines 63-67 and 1-9; where the operators are nominal persons).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Waesterlid's Taniguchi's and Hirni's communication system adapted to provide real-time communication service to a plurality of subscribers with Bormann's plurality of logon identifiers corresponding to one of a plurality of

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nominal persons in order to ease the monitoring of individuals logged into the system, as taught by Bormann.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

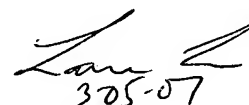
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez  
Examiner



305-07  
Lana N. Le  
Primary Examiner  
Technology Center 2600

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February 21, 2007